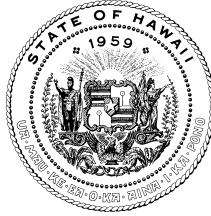


LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

HAWAII ISLAND BURIAL COUNCIL

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DATE: THURSDAY, JANUARY 18, 2007
TIME: 9:00 AM
PLACE: NATURAL ENERGY LABORATORY HAWAII AUTHORITY
73-4660 QUEEN KA'AHUMANU HIGHWAY
KAILUA-KONA, HAWAII

HIBC MEMBERS: Charles Young, Chair
Roy Helbush
Ku Kahakalau
Leningrad Elarionoff
Ronald Dela Cruz
Dutchie Saffrey
Cynthia Nazara

ABSENT: Kaleo Kualii
Jacqui Hoover
Anna Cariaga
Ulu Sherlock
Pele Hanoa

SHPD Staff: Keola Lindsey, SHPD- History and Culture Branch
Linda Chow, Deputy Attorney General

GUESTS: Steve Athens
Coral Rasmussen
Mahana Gomes
Debralee Kailiwai-Ray
Auli'i Mitchell
Curtis Tyler
Ruby McDonald
Iwalani Arakaki
Chris Nazara
Lunakanawai Hauani'o
Keoni Alvarez
Aileen Alvarez

I. OPENING REMARKS

HIBC Chair Charles Young (Young) called the meeting to order at 12:10 p.m.

Ku Kahakalau (Kahakalau) offered a pule.

The HIBC members, SHPD staff and the Deputy Attorney General introduced themselves to the audience.

II. APPROVAL OF THE DECEMBER 21, 2006 HIBC MEETING MINUTES

*A motion was made to approve the December 21, 2006 HIBC meeting minutes.
(Kahakalau/Helbush)*

Vote: All in Favor

III. BUSINESS

A. BURIAL TREATMENT PLAN FOR SITE 50-10-20-19415

PU'ULANI RANCH SUBDIVISION PHASE II

PU'UANAHULU AHUPUA'A, NORTH KONA DISTRICT, HAWAI'I ISLAND

TMK (3) 7-1-006:128

Information/Recommendation/Determination: Discussion of the information contained within the burial treatment plan. HIBC determination to preserve in place or relocate the burials identified within the burial treatment plan. HIBC recommendations to the Department on appropriate short and long term preservation and protective measures for the burial site identified within the burial treatment plan.

Coral Rasmussen (Rasmussen) and Steve Athens (Athens) introduced themselves to the HIBC.

Rasmussen said a revised Burial treatment plan has been submitted which incorporates many of the recommendations which have been made, including those of Curtis Tyler.

Rasmussen said there was a site visit on January 11, 2007 with Mahana Gomes, Debralee Kailiwai-Ray and Leinaala Lightner. Rasmussen was asked to change the protocol agreement for access to the burial site and that a sign be placed at the burial site. The owners have agreed and Rasmussen has made the changes to the plan. Rasmussen distributed replacement pages to the plan.

Rasmussen said Lightner identified the "Hanry" stone as a burial marker. Archaeological testing has been conducted beneath and around the "Hanry" stone and no burials were found. The results of this testing are in the inventory survey which is approved by the SHPD.

Rasmussen said the only identified burial is at Site 19415 and likely associated with the "Mary" stone.

Rasmussen said "visitation protocol" has been changed to "visitation arrangements" in the revised plan.

Kahakalau left the meeting at 12:21 p.m. and quorum was lost

Kahakalau returned to the meeting at 12:23 p.m. and quorum was regained.

Leningrad Elarionoff (Elarionoff) asked Rasmussen to explain the “consideration of descendant’s wishes” on page 24 of the plan. Will the descendant’s wishes be implemented or just considered and ignored.

Rasmussen said the landowner will work with the descendants to see if their requests can be implemented.

Athens said this is not a commercial development. The landowner has been committed through this whole process to work with the community and respect their wishes. The landowner does not want to be in a situation where he is committed to something that he feels is not acceptable. The landowner wants to work with the descendants but does not want to give them complete authority.

Elarionoff asked Rasmussen about access to the burial site for descendants detailed on page 24 of the plan. If the descendants want to visit, what do they have to do.

Rasmussen said the descendants will have the access code and will contact the landowner in advance to schedule an agreeable time and date. The landowner is asking for 48 hours advance notice after the home is built. Before the home is built, access can be at any time.

Kahakalau said the plan only proposes a small construction machinery buffer of 20 feet. That is not enough, it has always been no less than 50 feet.

Rasmussen said there is a large construction machinery buffer of 75 feet.

Kahakalau said the permanent 10 foot buffer is also not enough. It was strongly recommended that it be a minimum of 20 feet because that is the precedent that has been set on this island. There should also be an additional 10 foot no build setback, creating a total of 30 feet.

Rasmussen said the proposed 10 foot permanent buffer will be delineated by a wall and there will be an additional 10 foot no build setback from the wall.

Kahakalau said the minimum permanent buffer should be 20 feet and the no build set back goes from there.

Kahakalau said the descendants continue to assert that there are more burials. From her perspective, there has been clear oral testimony that there are more burials and any inadvertents should be treated as previously known.

Athens asked which burials should be previously known.

Kahakalau said the “Hanry” headstone.

Athens said that is not a headstone.

Kahakalau said that is Athens’ opinion, but the HIBC is hearing something else from the descendants. The oral histories say that there are more graves on this hill. Considering any future

burials as previously known should be an option that is considered so that there is a broader determination process.

Young said from the beginning of this overall process, the families have maintained that they have been left out of the process. This has nothing to do with the landowner, Athens or Rasmussen. The fact that the burials have not been found does not mean they are not there. The HIBC represents the families and wants to ensure there are protections in place. If another burial is found, what is paramount is that protection is afforded for that burial. That protection could take the form of classifying the site as previously known, in which case the burial would remain in place and would be treated the same as the burial in this plan.

Athens said there is no burial at the “Hanry” stone, so if you protect that spot, you are not protecting a burial.

Young said he is speaking of any burials that are found in the future that are not in the plan. If more burials are found and classified as inadvertent, the decision will not be in the hands of the descendants and any decisions made may not be agreeable to the descendants. Because there is such strong testimony that there are more burials there, Young would like to see some added measures in place.

Elarionoff said there is informant testimony which indicates the stones were rolled away from their original locations marking those graves, so who knows now where the graves are.

Rasmussen said the top of the hill and the slopes have been archaeologically tested and no burials have been found.

Athens said the side of the hill is very shallow and they hit bedrock almost immediately. There could be burials where they did not test.

Kahakalau said she appreciates the efforts of Rasmussen in working with the descendants and having many of the recommendations in the revised plan.

Ron Dela Cruz (Dela Cruz) said there may not be burials under the stones, but there are burials somewhere. If more burials are found, they should be previously known.

Rasmussen said the “Mary” stone is shaped and has a date on it. The “Hanry” stone resembles a petroglyph more than a headstone.

Dela Cruz said he personally feels both are burial stones.

Cynthia Nazara (Nazara) said because Lightner has said the stones are grave markers, Nazara believes they are grave markers. Nazara said she knows Lightner very well and she would not make this up.

Rasmussen said she does not think Lightner is making anything up.

Nazara said she is looking at both stones as being grave markers based on the testimonies of the families.

Athens said the SHPD accepted moving the “Hanry” stone to where the burial is with the “Mary” stone. The landowner will leave the “Hanry” stone where it is if the SHPD concurs. The landowner does not want to treat the “Hanry” stone’s location as a burial with a burial because there is no burial there, but is happy to preserve it in place.

Elarionoff said there is descendant testimony which indicates the stones were grave markers, but are not in their original locations.

Rasmussen said Lightner was adamant that the “Hanry” stone had not been moved very far.

Kahakalau said the families should be present at the preconstruction briefing by the professional archaeologist. The families need to be able to tell their story.

Debralee Kailiwai-Ray (Kailiwai-Ray) provided her written testimony:

“ Aloha Hawai’i Island Burial Council Members”

I am testifying as a recognized lineal descendant, My name is Debralee Kailiwai-Ray.

I am in support of the Council’s determination to preserve burial site 50-10-20-19415.

I would like to provide the following update:

A site visit to Pu’u o Kaiwi was done on January 11, 2007 with Lei Lightner, Mahana Gomes, Coral Rasmussen and I. Lei Lightner is an original informant (1993) of this previously identified burial(s), witness and Puunahulu descendant. She confirmed that the “mary” and “Hanry” stones are grave markers. These headstones at one time were on burials, currently they are not in its original location as Ms. Lightner remembers.

I have listed some of our concerns to the Revised January 2007 Burial Treatment Plan:

After subdivision into three lots, it is a real concern of how the current or new TMK numbers will be assigned to each parcel. If a new TMK number is issued to the lot with the burial, what protection measures are in place? How does this affect the BTP currently under the one TMK number? Who monitors or how is the burial information on the previous tmk transferred to the new tmk?

There is recent information given per site visit on January 11, 2007 by Ms. Lightner to Coral Rasmussen. Corrections and additions are still needed.

What kind of timeframe is remaining to comment and make revisions to the Burial Treatment Plan after the Council’s determination to preserve burial according to the Hawai’i Administrative Rules?

Mahalo nui loa for your time and allowing the opportunity to give my testimony.”

Kailiwai-Ray said Shirley Keakealani provided testimony that “Hanry” stone may be related to Henry Palakiko who moved to Puunahulu in 1920-1930.

Keola Lindsey (Lindsey) said the SHPD has 90 days to approve a final preservation plan for the site following the HIBC determination to preserve in place. Revisions to the plan can be made until the SHPD approves it.

Lindsey said the TMK numbers may change, but the site number will not change. Lindsey is not sure if all three subdivided lots get new TMK numbers or if one lot retains the old TMK number. The current landowner has submitted this plan and will be required to follow the approved preservation measures regardless of TMK number.

Mahana Gomes (Gomes) asked if there are inadvertents on Puu o Kaiwi, will the families be involved in protecting these additional burials.

Lindsey said if there are inadvertents, the SHPD is required to notify the families and seek their input.

Gomes said the families do not want to go through this whole process again, that would be poho.

Lindsey asked if there are inadvertents, how would the families like them treated. Lindsey said Gomes can share her thoughts now, but that won't mean if there are burials found the families won't be notified, the SHPD would still have to follow a process required by law.

Gomes said if inadvertents are found on Puu o Kaiwi, the families would like them treated just like the final preservation details for Site 19415.

Gomes provided her written testimony:

"Aloha,

My name is Mahana Gomes. As most of you already know I am a great grand niece, my mother ShirleyAnn Keakealani is a grand niece, my grandfather Robert Keakealani is a nephew of the Maka'ai, Alapa'i, Aipia, Ha'o, Kaholo, Kahaikupuna and so on Ohana. I am a cousin of Debbie Kailiwai-Ray, who may or may not be here today.

I am here representing the Keakealani, Alapa'i and Ha'o Ohana of Puu Anahulu regarding the proposed Burial Treatment Plan (BTP) for TMK # 7-1-06:128, site 50-10-20-19415.

On January 11, 2007 Debbie, my Aunt Lei and I met out at the site with Ms. Rasmussen. It was a good site visit. It was agreed at the site visit that site #19415 would be preserved in place as is. It was also agreed that until such items as : 1) a buffer area be placed around and recorded in the BTP for the HANRY stone same as the one done for the site 19415; 2) adding verbiage of "possible future lots" to the plan wherever the Lot 128 is called out in the event lot numbers change after subdivision approval if granted, placing the site on a lot other than 128; 3) Clarification on how that will be monitored and recorded on the appropriate deed; 4) The agreement (less the gate code) from Puu Lani Homeowners Association regarding access be inserted into the BTP; until such items are agreed upon and addressed, the BTP is still a work in progress.

Burial Council men and women, Puu o Kaiwi means hill of bones. My grandmother and grandfather instilled in my mom, aunty and uncle (their children) to never play on the front side (area where site 19415 is located) of the Pu'u because it was a graveyard. Now, my aunty (at the

site visit last week) did confirm her recollection of the burial in the location of which site 19415 is located. She also confirmed that her memory of the HANRY stone was of a different angle than where it lays today and was once upright as a head stone.

Based on field test results and modern technology used by Ms. Rasmussen the idea of HANRY being a burial is being challenged by Ms. Rasmussen and the current property owners.

We the Ohana go back and forth with not just lot 128, but the many others as you all know and have seen me here many times before. I feel strongly there has to be responsibility taken by this Council and the SHPD along with the property owner of lot 128. My ohana does not need to keep defending its memory and belief in locations of burials. In many cases recently doing site visits with other developers my Kupuna have been right on with locating burials still intact 40-50 years later, maybe more.

Long story short, we have met our responsibility with this site, I know our Kupuna buried there know this. We have made our stand known, own memory of the site clear and our requests for sites protection even clearer. We do not feel our kupuna would wish that our lives be filled with frustration and disdain because of other peoples disregard for the same responsibility.

I leave here today and place a burden on this Council, Ms. Rasmussen, the property owner and the SHPD. I will continue to work with Ms. Rasmussen on the BTP based on what I mentioned above, but please know that if we are continued to be challenged or manipulated, we don't have time for that, life is too short with our responsibilities with our living relatives (kids, wives, husbands, parents) you will all have to take responsibility in the roles you were elected to be in and may have to make a decision regarding this site.

We know where our burials are, we believe them to be where we have been taught they are, that is no question. Our Kupuna know we have done and continue to do all we can. I do not worry about hurting them or letting them down, I hope you folks will and do all feel the same.

Mahalo, Mahana"

Gomes said her family is being challenged in their beliefs and memory. Gomes has witnessed several incidents where her family has gone to places and cleaned the area and there the graves are, just like the family remembered intact. The burials need to be respected. The families will continue working to preserve the burials, but can't be challenged anymore.

Dutchie Saffrey (Saffrey) thanked Gomes and Kailiwai-Ray for being at the meeting to share their testimony. The families have been at this for over 13 years. The Kupuna would be proud of them, they have done their job.

Kahakalau also thanked Gomes and Kailiwai-Ray. The HIBC supports them and is proud.

Kahakalau asked Gomes if the families are comfortable with the buffers around the burial site. The plan calls for a permanent buffer of 10 feet with an additional 10 foot no build set back for a total of twenty feet.

Gomes said the family would like a permanent 10 foot buffer with an additional 20 foot no build buffer creating a total of 30 feet.

Gomes said the stones need to be left where they are now.

Young asked about access to the burial site for the descendants.

Gomes said they asked that it be called protocol/waiver. The landowner suggested the term “visitation arrangements” and the families are ok with that. Gomes said in the plan there is language on page 24 and on regarding the visitation arrangements and Gomes said they have some changes because it does not make sense and is one sided from the owner. The families need to have some rights. Gomes does not like visitation being subject to the owner’s approval. It should not be dictated, but rather an agreement. The Homeowners Association agreement to allow access needs to be in the plan.

Young asked if the law provides that there be perpetual access.

Gomes said they understand giving advance notice to the landowner.

Linda Chow (Chow) said that the plan needs to address access for descendants. The law does not state that perpetual access has to be provided. The SHPD would not approve a plan without access. Access is still subject to reasonable conditions which would be determined by the SHPD in consultation with the landowner and descendants to reach a mutual agreement.

Young said the plan proposes renewal of the visitation agreement every five years.

Chow said the HIBC can make a recommendation regarding that issue.

Gomes said the family would like that portion of the plan removed.

Young said discussion of the final preservation plan can be on a future HIBC agenda. Young suggested sending the desire language for access to Rasmussen and the landowner so it can be incorporated into a revised plan.

Dela Cruz said he is concerned about the reference to “changing descendants”. Descendants won’t change.

Lunakanawai Hauani’o (Hauani’o) said the descendants should be stewards of their burials. The burial site should be its own tax map key parcel.

A motion was made to preserve the burial within Site 19415 in place as proposed in the January 2007 Burial Treatment Plan for the site. (Kahakalau/Dela Cruz)

Vote: All in Favor

A motion was made to recommend that any inadvertent discovery during construction on TMK parcel (3) 7-1-006:128 be classified as previously known and treated with the same preservation measures as Site 19415 and that the Department respond to this recommendation. (Kahakalau/Saffrey)

Vote: All in Favor

A motion was made to recommend the small construction machinery buffer be increased to a minimum of 50 feet and that the no build buffer around the permanent 10 foot buffer be increased to 20 feet creating a total no build permanent buffer of 30 feet. (Kahakalau/Saffrey)

Vote: All in Favor

A motion was made to recommend that the three inscribed stones on Puu o Kaiwi be preserved in place. (Kahakalau/Saffrey)

Vote: All in Favor

A motion was made to recommend that a family member be invited to be present and share their mana'o at the preconstruction briefing by the professional archaeologist. (Kahakalau/Saffrey)

Vote: All in Favor

Kahakalau said the access can be addressed at the next HIBC meeting.

Gomes asked if the HIBC can recommend that the letter from the Homeowners Association providing the descendants access be incorporated into the plan.

Young said the HIBC needs to see the letter first to read what is in there.

Kahakalau left the meeting at 1:52 p.m. and quorum was lost.

The HIBC meeting was reconvened at 1:56 p.m. with a quorum of members present.

A motion was made to close agenda item III.A. (Kahakalau/Saffrey)

Vote: All in Favor

IV. CASE UPDATES

A. SIHP SITE 50-10-45-24851

WAIKAHEKAHE NUI AND WAIKAHEKAHE IKI AHUPUA'A, PUNA DISTRICT, HAWAII ISLAND

TMK (3) 1-6-091:054 and (3) 1-6-090: 048, 049, 056, 055, 076, 077, 078, 079 and 080

Information/Recommendation: Discussion of the history of SIHP Site 50-10-45-24851. Discussion of a HIBC letter dated December 11, 2006. HIBC recommendations to the Department on appropriate protective measures for the site.

Keoni Alvarez (K. Alvarez) said he is at the meeting to follow up on the SHPD's response to the HIBC's letter regarding this matter. K. Alvarez said he also has a letter from OHA supporting him. OHA feels the site should be preserved and talking with the County to see if the properties can be purchased. The site needs to be preserved with buffer zones and K. Alvarez said their main concern is that the cave is still open.

Lindsey said the SHPD responded to the HIBC's December 11, 2006 letter with a January 16, 2007 letter.

Young said there are two things in the response. The first is the classification of the site as an inadvertent discovery and the second is the definition of a burial site.

K. Alvarez said the next step is for him to get an attorney. Everyone is saying to protect the entire cave and only the SHPD is saying the entire cave is not the burial site. The court system and a judge will have to make the decision. There is common sense to the law.

K. Alvarez said the HIBC was going to draft a second letter regarding Elson Kalawe's testimony.

Young said the second letter has not been sent because the HIBC was waiting for a response to their first letter.

Young said it comes down to the wording in the law. There have been no decisions made outside of anyone's specific authority. If the site is an inadvertent, the SHPD makes the determination and the HIBC is only consulted. Procedurally, the HIBC has done everything that could be done.

K. Alvarez said the only choice is to go to court.

Young said the classification of the site is up to the SHPD. The cultural interpretation of what constitutes preservation differs from the SHPD's interpretation. There are many extenuating circumstances in this case.

Young said the SHPD has notified the County of the TMK parcels affected by the lava tube.

Lindsey said the County has been notified of the ten TMK parcels with a portion of the lava tube beneath them. Should the County review any permit action for these parcels, the SHPD would like to engage in discussions with the County.

K. Alvarez said all of the landowners should be notified directly by the SHPD. The landowners can grade without a permit, all they need is a building permit. They are bulldozing.

Aileen Alvarez (A. Alvarez) said all the landowners need to be told directly that there are iwi.

Kahakalau said the SHPD seems to have made the determination that the site is an inadvertent discovery and on the definition of a burial site. From the November 15, 2006 letter and the January 16, 2007 letter the SHPD seems to have made some progress in the discussions with the landowner on sealing the opening to the cave.

There is a danger to the lava tube from adjacent landowners doing grading and grubbing and construction. The HIBC could address this in a future letter and request an update on the overall case and when the final agreement for sealing the lava tube opening. When all the landowners are notified, the County should also be informed.

K. Alvarez thanked the HIBC for their support.

A motion was made to close agenda item IV.A. (Elarionoff/Saffrey)

Young asked if the landowners have been notified.

Lindsey said all ten landowners of parcels above the lava tube have not been directly notified by the SHPD.

Young asked if the SHPD intends to do so.

Lindsey said he would have to discuss that matter with his supervisor.

Young asked K. Alvarez if he has notified the landowners.

K. Alvarez said not all of them.

Young said as the HIBC Chair, he cannot write a letter on State letterhead that is not in conformance with a determination the State has made. That is just the way he feels.

Kahakalau asked if the HIBC can be updated on the status of sealing the tube.

Lindsey said the SHPD has been in discussions with the landowner on sealing the tube. The landowner has ideas on how to seal the tube and the families have ideas on how the tube should be sealed and the SHPD is looking at all those options. Whether the landowner will agree to seal the tube the way the families would like it to be sealed is the question. The SHPD could follow up with a letter to the landowner. The landowner is willing to seal the tube, but the methods on how the cave will be sealed have not been agreed to.

Kahakalau asked that the HIBC be kept updated on that situation.

Saffrey asked about writing a letter on State letterhead.

Chow said as a State entity, the HIBC is required to act within their authority and be within the legal rules and statutes the members agreed to when they became a member. Whether the HIBC wants to support a decision of the SHPD is up to the HIBC to vote on.

Young said there are subpoenas forthcoming if there is a lawsuit. If writing a letter on State letterhead that may drag the HIBC indirectly into something legal, the HIBC can recommend he do it, but personally he does not want to. He supports Alvarez personally, but putting it on State letterhead is something else.

Chow said the members have to be aware of their personal feelings and their responsibilities as duly sworn HIBC members.

Saffrey said some of the HIBC members may support Alvarez personally, but putting that on State letterhead puts it in a different place.

K. Alvarez said the whole lava tube needs to be protected and should be considered the burial site. It is not his fault that they have to take the State to court. If anything happens to this cave before the court hearing K. Alvarez will hold Peter Young, Melanie Chinen and Keola Lindsey responsible. If he has to subpoena them he has to. If they are going to put their hands up, that is negligence and they will be held responsible. K. Alvarez said he is not joking, this is going to court.

Young said the HIBC has stated their position.

K. Alvarez said he understands that and thanked the HIBC for their support.

Young said the State has made some progress in this complicated matter.

Vote: All in Favor

**B. HOKUKANO AND KAALAIKI AHUPUA'A KA'U DISTRICT, HAWAI'I ISLAND
TMK (3) 9-5-016:036**

Information/Recommendation: Discussion of community concerns regarding burial sites on the TMK parcel and possible impacts to the burial sites by the construction of a home on the property. Discussion of the advice and or opinions the Department has received from the Department of the Attorney General regarding this matter.

A motion was made to defer agenda item IV.B. (Kahakalau/Saffrey)

Vote: All in Favor

C. "FORBES CAVE", KAWAIHAE, SOUTH KOHALA, HAWAI'I ISLAND

Information/Recommendation/Determination: Discussion of recent meeting held at the Bishop Museum where the repatriation process for certain items recovered from a cave in Kawaihae was discussed and NAGPRA claimants were allowed to view the items. HIBC determination on how the items should be classified pursuant to NAGPRA. HIBC determination on how to convey the HIBC's position on how the items should be classified and a final disposition for the items to the proper authorities and/or organizations.

Saffrey said she attended the claimant meeting at Bishop Museum on January 5, 2007. The meeting was very heart warming because all of the claimants were there. The items are in good condition and are all there. The claimants were allowed to asked questions and the meeting went well. Future meeting will be held, but the dates have not been set.

Saffrey said she is concerned that funds are not available for the entire HIBC to attend the claimant meetings. The State should provide that funding because it was a loss that the entire HIBC was not able to attend.

Young said the concern was how many HIBC members could attend. Because of the Sunshine Law, only two members could attend the January 5 meeting. Young said he was trying to attend, but could not.

Saffrey said she paid her own way there. The opportunity should have been offered to the entire Council because of the importance of the matter. This is really a failure by the State.

Chow said the Sunshine Law only allows two members to attend unless the meeting was agendized as an HIBC meeting.

Saffrey said then it should be agendized so the whole HIBC can attend. Airfare and hotel money should be provided by the State. The HIBC is one of the original claimants.

Young said these items are from Hawai'i Island.

Saffrey said the HIBC needs to request the money.

Ruby McDonald (McDonald) said the previous HIBC went to a claimant meeting on O'ahu. The Department needs to find a solution.

Chow said if the meeting was agendaized, the entire HIBC could attend.

Dela Cruz said maybe the claimants meeting could be held on Hawai'i Island.

Young said the HIBC needs to communicate with Bishop Museum and find out the schedule of future meetings.

Dela Cruz said these items are from Honokoa on this island. It is only right these items are discussed on this island. These items were stolen from Honokoa. Dela Cruz asked if the true name of the cave is known because calling it 'Forbes Cave' gives credit to a thief.

Saffrey said the HIBC needs to receive funds for traveling to attend the meetings whether it be from the State or through grants.

Young said the HIBC can make the request, but need to be specific.

Kahakalau agreed that the next claimant should be held on Hawai'i Island.

Saffrey said the claimants need to respond to Bishop Museum by March.

Young said it is good that the items are all in good condition and that they were all in the cave.

Saffrey said the items were removed and then the earthquake happened.

Dela Cruz said he looks at it differently. Honokoa is a sacred place and there are many caves. When all of this is final, Honokoa should be made a culturally kapu place.

Young said the starting point is to understand that the HIBC has stated a position on the items.

Dela Cruz said a chronological summary of the history of this cave starting in 1907 should be provided.

Lindsey said the HIBC can request any information they deem necessary.

Unidentified (male) asked who determines the ownership of the items.

Lindsey said Bishop Museum.

Unidentified (male) said the items are Hawaiian antiquities and the only lawful owner is the Hawaiian Kingdom.

Saffrey said the Hawaiian Kingdom needs to file a claim to the items with Bishop Museum.

McDonald said she is concerned about the HIBC not making quorum. The members on the Council need to show up or be replaced.

Young said it may be up to the Governor to take action. The HIBC could write a letter.

Kahakalau said the members who don't show up have already stated that they will not be coming back.

Young said there is a procedure to remove the members.

Lindsey said there is a required ratio between landowner and regional representatives.

A motion was made to close agenda item IV.C. (Kahakalau/Saffrey)

Vote: All in Favor

Kahakalau said the HIBC quorum issue should be agendized on a future HIBC agenda so it can be discussed and the Council can take action.

VI. ANNOUNCEMENTS

VII. ADJOURNMENT

A motion was made to adjourn the HIBC meeting. (Kahakalau/Saffrey)

Vote: All in Favor

The HIBC meeting was adjourned at 3:10 p.m.